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Attorney for Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania

Hearing Date: **February 14, 2024,**
at 1:00 pm in Courtroom 1,
United States Bankruptcy Court,
900 Market Street, Philadelphia,
PA 19107

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

William Steven Stanaitis

Penny Mifflin Stanaitis

Debtor(s)

Chapter 13 Proceeding

23-12187 PMM

**MOTION OF CITIZENS BANK, N.A. S/B/M TO CITIZENS BANK OF
PENNSYLVANIA FOR RELIEF OF FROM THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania (Movant) by and through its counsel, Mary F. Kennedy, and files this Motion to obtain an order for Relief from the Automatic Stay due to debtor(s) failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about July 24, 2023, Debtor(s) filed a Chapter 13 Bankruptcy Petition.
2. On June 23, 2011, the debtor executed a Mortgage and Note to Movant in the amount of \$50,000.00 and secured by the property located at 349 Mulberry Drive, Limerick, PA 19468, referred to as the "property." The Mortgage was recorded in the Montgomery County Recorder of Deeds Office on July 19, 2011 in book 13113 page 00303. (See Exhibit "A" attached).
3. The debtor is presently in arrears post-petition for four (4) months, September 28, 2023 to December 28, 2023. The total arrears including \$1,249.00 for attorney fees and costs is \$4,148.42.

4. Movant wishes to have the automatic stay terminated to permit Movant to complete foreclosure on its mortgage.
5. Pursuant to 11 U.S.C.A. section 362 (d) (1), cause exists to grant Movant relief from the stay.
6. Movant requests that if relief from the stay is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

WHEREFORE, Movant respectfully requests this Honorable Court ORDER:

That Relief from the Automatic Stay be granted to Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy Law. That the relief granted by the Court will survive the conversion of this bankruptcy case to a case under any other Chapter of the Bankruptcy Code. And that bankruptcy Rule 4001(a)(3) is not applicable, and Movant is allowed to immediately proceed with foreclosure and all other relief available under the non-bankruptcy law. That Federal Rule of Bankruptcy Procedure 3002.1 is no longer applicable. Furthermore, Movant respectfully requests that reasonable attorney fees and costs associated with this Motion be awarded to Movant.

RESPECTFULLY SUBMITTED,

/s/ MARY F. KENNEDY, ESQ.

Dated: January 9, 2024